

OCT 18 PM 3:31

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

LE MARR TALLEY*Plaintiff(s)**(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-v-

COMMONWEALTH OF
MASSACHUSETTS/(D.O.C.)/BERKSHIRE
AND HAMPDEN (*District Attorneys*,
COUNTIES/(B.C.H.C./H.C.H.C), PITTSFIELD
POLICE DEPARTMENT, MICHAEL J.
WYNN, CITY OF PITTSFIELD, KATHLEEN
DEGNAN, DAN BIANCHI, LINDA TYER,

Case No. _____

*(to be filled in by the Clerk's Office)*Jury Trial: (check one) ☒ Yes ☐ No

ROBERT W. KINZER, ANNE
KACZMERACK, KAREN FOSTER, MARTHA
COAKLEY, JOHN VERNER and ANDREA
HARRINGTON

Defendants

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Le Marr Talley79 Lincoln St. Apt 1Pittsfield / BerkshireMassachusetts / 01201413 219 4837lemarrtalley2012@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	City of Pittsfield/Linda Tyer
Job or Title <i>(if known)</i>	Municipality/Mayor of Pittsfield
Street Address	70 Allen St
City and County	Pittsfield/Berkshire
State and Zip Code	Massachusetts/01201
Telephone Number	413 499 9321
E-mail Address <i>(if known)</i>	mayorsoffice@cityofpittsfield.org

Defendant No. 2

Name	Pittsfield Police Department/Micheal J. Wynn
Job or Title <i>(if known)</i>	Municipal Department/Chief of Police
Street Address	39 Allen St
City and County	Pittsfield/Berkshire
State and Zip Code	Massachusetts/01201
Telephone Number	413 488 9700
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	Bekshire County District Attorney Office/Andrea Harrington
Job or Title <i>(if known)</i>	Judiciary District/District Attorney
Street Address	7 North St
City and County	Pittsfield/Berkshire
State and Zip Code	Massachusetts/01201
Telephone Number	413 443 5951
E-mail Address <i>(if known)</i>	

 (S)
 Defendant No. 3 & 4

Name	Massachusetts Attorney Generals Office/Karen Foster/Anne Kazcmark
Job or Title <i>(if known)</i>	Judiciary Law Enforcement/Assisstant Attorney Generals
Street Address	1 Ashburton Place
City and County	Boston/Suffolk
State and Zip Code	Massachusetts/02108
Telephone Number	617 727 2200
E-mail Address <i>(if known)</i>	

Defendant No. **5**

Name	Sonja Farak
Job or Title <i>(if known)</i>	State Chemist
Street Address	
City and County	Amherst/Hampshire
State and Zip Code	Massachusetts/01002
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. **6**

Name	David Capeless
Job or Title <i>(if known)</i>	District Attorney
Street Address	7 North St.
City and County	Pittsfield/Berkshire
State and Zip Code	Massachusetts/01201
Telephone Number	413 443 5951
E-mail Address <i>(if known)</i>	

Defendant No. **7**

Name	Dan Bianchi
Job or Title <i>(if known)</i>	Mayor of Pittsfield
Street Address	70 Allen St
City and County	Pittsfield/Berkshire
State and Zip Code	Massachusetts/01201
Telephone Number	413 449 5600
E-mail Address <i>(if known)</i>	

Defendant No. **8**

Name	Massachusetts Attorney General Office/John Verner
Job or Title <i>(if known)</i>	Judiciary Law Enforcement/Assistant Attorney General
Street Address	1 Ashburton Place
City and County	Boston / Suffolk
State and Zip Code	Massachusetts / 02108
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 1

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Massachusetts Department of Corrections / Thomas Turso II
 State Prison / Commissioner of D.C.
 50 Maple St
 Milford / Worcester
 Massachusetts 01757
 508 - 422 - 3300

Defendant No. 2

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Robert W. Kinzer II
 Assistant District Attorney
 7 North St
 Pittsfield / Berkshire
 Massachusetts / 01201

Defendant No. 3

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Martha Coakley
 Attorney General
 1 Ashburton Place
 Boston / Suffolk
 Massachusetts / 02108

Defendant No. 4

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S.C. § 1983

U.S.C. Con.Am. 4, 5, 6, 14

Title 18, U.S.C., Section 242

Mass. Dec.R. Art. 1, 11, 12, 13, 14, 20, 29,

Massachusetts Administrative Procedure Act 30A / Federal Procedure Act

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):

\$3,500,000

Plaintiff was incarcerated by various hindered plea agreements, under color of law by Commonwealth of Massachusetts employees and agents resulting in compensation of a total of 2,712 days of incarceration

Plaintiff has various civil rights violations and Code of Massachusetts Regulations on all parties mentioned above

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- ① Sonja Farak, State Chemist, chemist that tampered with nine of Plaintiffs criminal cases (aug 2004-2011)
- ② Ann Kazmerack, Assistant Attorney General, withheld evidence (2017)
- ③ Karen Foster, Assistant Attorney General, withheld evidence (2017)
- ④ Linda Tyer, Mayor, City of Pittsfield, Plaintiff has been denied right to resolution, policy and procedure mandates. trespass orders (2018-2020)
- ⑤ Micheal J. Wynn, Chief of Police, responsible of policy and procedure mandates to be followed (2011-2020)
- ⑥ Andrea Harrington, D.A., violation and deprivation of constitutional rights and confinement, trespass orders (2017-2021)

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff seeks compensatory damages \$2,000,000,000 for 2,712 days of incarceration, and violation of constitutional rights and deprivation of rights.

Plaintiff seeks \$1,500,000 for punitive damages for past and continual present violation of constitutional rights and deprivation of rights

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- ① John Verner, Assistant Attorney General, withheld evidence (2019)
- ② Thomas Turco III, Commissioner of Corrections, responsible for policy - and procedure mandates to be followed.
- ③ David Capelless, violation and deprivation of constitutional rights and confinement

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

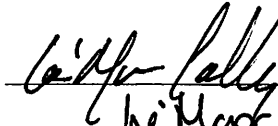
I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

18
10/27/2021

Signature of Plaintiff

Printed Name of Plaintiff


 Keith Talley
B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address